



United States Mission to the OSCE

Response to the European Union's Statement on the Death Penalty

As delivered by Chargé d' Affaires Jeffrey VanDreal
to the Permanent Council, Vienna
May 28, 2009

Thank you, Mr. Chairman.

We want to thank the European Union for its renewed expression of concern regarding the death penalty in the United States.

The use of the death penalty in the United States is a decision of democratically elected governments at the federal and individual State levels and is not prohibited by international law, nor does capital punishment violate any OSCE commitments. The people of the United States, acting through their freely elected representatives, have chosen, in most States, not to abolish the death penalty.

In terms of the specific case noted, on May 19 a petition was filed with the United States Supreme Court asking for a full review - in a lower court - of evidence that points to the innocence of Troy Davis, who was convicted in 1991 for the shooting of an off-duty police officer in Savannah, Georgia. A stay of execution ordered by an appeals court ran out on May 16, but no new execution date has been set by the State of Georgia, which has 30 days to reply to the Supreme Court petition. The case has attracted significant interest in the United States and obviously beyond, and on May 20, twenty-seven former judges and prosecutors, including a former Deputy Attorney General, a former FBI Director, and a former Chief Judge of the Third Circuit US Court of Appeals, filed an amicus brief with the Supreme Court supporting Davis's petition.

The U.S. judicial system provides exhaustive protections to ensure that the death penalty is not applied in an extra-judicial, summary or arbitrary manner. The U.S. Supreme Court has repeatedly held that capital punishment itself does not violate the U.S. Constitution. However, capital punishment may only be carried out subject to extensive due process and equal protection requirements, and after exhaustive appeals.

Mr. Chairman, the issue of the imposition of the death penalty continues to be the subject of vigorous and open discussion among the American people.

Thank you, Mr. Chairman.